

Chairman Rod Johnson called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Boyle, Johnson, Landis, Schram and Vap present. Chairman Johnson invited the public to address the Commission. Chairman Johnson also announced that a copy of the Nebraska Open Meetings Act was available in the meeting room.

GENERAL ADMINISTRATION

Notice was duly published August 21, 2007 on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held August 28, 2007 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Thursday, August 30, 2007:

MODF-1 Atrium Conference Center, 2nd Floor, 1200 N Street, Lincoln
9:30 In the Matter of the Commission, on its own motion, seeking to determine the seal fee amounts for the Modular Housing Program. Workshop

COMMUNICATIONS DEPARTMENT

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter orders granting applications AD-394r through AD-396r. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

AD-394r In the Matter of Global Connect, Mays Landing, New Jersey, seeking authority to register an automatic dialing-announcing device.

AD-395r In the Matter of CarMax Business Services, LLC d/b/a CarMax Auto Finance, Kennesaw, Georgia, seeking authority to register an automatic dialing-announcing device.

AD-396r In the Matter of The NTI Group, Inc., Sherman Oaks, California, seeking authority to register an automatic dialing-announcing device.

C-3479/
PI-107 In the Matter of the Commission, on its own motion, seeking comment on the implementation of the Federal Communications Commission (FCC) requirement for all telecommunications carriers including wireline, wireless, and payphone service providers to deploy the 811 code for use as a "One Call" number for access to the diggers hot line system by April 13, 2007. Commissioner Anne Boyle presiding as Hearing Officer: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order closing the investigation. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3830 In the Matter of Panhandle Network, LLC d/b/a Airwave Wireless Communications, Wellsboro, Pennsylvania, seeking withdrawal of their local exchange authority in the State of Nebraska: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3836 In the Matter of Avera Communication, LLC, Sioux Falls, South Dakota, seeking to voluntarily relinquish local exchange and interexchange authorities: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3838 In the Matter of Dialaround Enterprises, Inc., Washington, D.C. and STi Prepaid, LLC, Flushing, New York, seeking to transfer the assets of a certificated carrier: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3841 In the Matter of First Communications, LLC, Washington, D.C. and Gores FC Holdings, LLC, Los Angeles, California, seeking approval for transfer of control: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3842 In the Matter of Acceris Management and Acquisition LLC, Minneapolis, Minnesota, seeking withdrawal of an interexchange certificate due to the sale of substantially all assets to First Communications, LLC, Garfield Heights, Ohio: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3843 In the Matter of New Access Communications LLC, Minneapolis Minnesota, seeking withdrawal of local and interexchange certificates due to the sale of substantially all assets to First Communications, LLC, Garfield Heights, Ohio: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3847 In the Matter of the Petition of Nebraska Technology & Telecommunications, Inc., Omaha, seeking arbitration of an interconnection agreement with Windstream Nebraska, Inc., Lincoln, pursuant to Section 252 of the Telecommunications Act of 1996: Commissioner Landis was appointed as Hearing Officer.

C-3796 In the Matter of Cox Nebraska Telcom, LLC, Omaha, seeking arbitration and approval of an interconnection agreement pursuant to Section 252 of the Telecommunications Act of 1996, with Qwest Corporation, Denver, Colorado. Commissioner Anne Boyle presiding as Hearing Officer: Gene Hand reported that Cox and Qwest have stipulated to cancel the evidentiary hearing in front of the arbitrator previously scheduled for August 29-31, 2007. The parties have agreed to a new procedural schedule with the arbitrator's decision due on November 12, 2007.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-020.01 In the Matter of Jeffrey L. Pursley, Director, Nebraska Telephone Infrastructure and Public Safety Department, complainant v. Level 3 Communications, LLC; Vartec Telecom, Inc.; NebCon Partnership; Budget Phone, Inc.; CAT Communications International; Granite Telecommunications, LLC; Comtel Telecom Assets, LP: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order dismissing the complaint against Comtel Telecom Assets, LP. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter orders approving funding for software in Dockets 911-023.02, 911-023.15, 911-023.20, 911-023.45 and 911-023.60. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-023.02 In the Matter of Douglas County, Public Safety Answering Point, Omaha, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.15 In the Matter of Colfax County, Public Safety Answering Point, Schuyler, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.20 In the Matter of Furnas County, Public Safety Answering Point, Beaver City, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-023.45 In the Matter of Johnson County, Public Safety Answering Point, Tecumseh, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.60 In the Matter of Rock County, Public Safety Answering Point, Bassett, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation.

911-029.01 In the Matter of Jeffrey L. Pursley, Director, Nebraska Telecommunications Infrastructure and Public Safety, Complainant v. New Cingular Wireless PSC, LLC, Respondent(s): Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order scheduling a hearing for October 10, 2007, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Commissioner Schram was appointed Hearing Officer.

911-029.02 In the Matter of Jeffrey L. Pursley, Director, Nebraska Telecommunications Infrastructure and Public Safety Department, Complainant v. United Cellular Operating Company of Greater Iowa, Inc., d/b/a US Cellular, Respondent(s): Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Jeff Pursley discussed and requested Commission approval of the inclusion of Wireless E-911 to the Nebraska USF & E-911 Remittance Worksheet: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to approve the inclusion of E-911 into the Nebraska Universal Service Fund Remittance Worksheet. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Jeff Pursley discussed and requested Commission approval of the Fining Policy for late-filed Wireless E-911 Remittance Audits: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to approve the Fining Policy for late-filed Wireless E-911 Remittance Audits. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Jeff Pursley discussed and requested Commission approval for the Fining Policy for late-filed Wireless E-911 Landline Annual Reports: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to approve the Fining Policy for late-filed Wireless E-911 Remittance Audits. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

Jeff Pursley discussed and requests Commission approval for the Fining Policy for late-filed Wireless E-911 Quarterly reports: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to approve the Fining Policy for late-filed Wireless E-911 Quarterly Reports. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Jeff Pursley discussed seeking the Attorney General's opinion on the application of the American Disabilities Act (ADA) regarding Public Service Answering Points (PSAP) in relation to the provision of enhanced wireless 911 services, and in particular, the accessibility to the deaf and hard of hearing.

Jeff Pursley discussed the Commission's Annual Report to the Legislature and disclaimers on the landline 911 surcharge report to be included in the Commission's Annual Report to the Legislature.

NUSF-37- In the Matter of Jeffrey L. Pursley, Director, Nebraska
.105 Telecommunications Infrastructure and Public Safety
NUSF-37- Department Complainant, v. Globalcom, Inc., Respondent:
.110 Motion made by Commissioner Frank Landis, seconded by
Commissioner Tim Schram, to enter an order dismissing the
complaints against Globalcom, Inc. Motion passed with Commissioners
Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting
AYE.

Jeff Pursley discussed Global Tel*Link's monthly Nebraska Universal Service Fund Remittance Worksheet revenue calculations in relation to bad debt which is over the 10% variance allowance: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to approve on-going waiver for over 10% variance on Global Tel*Link's monthly Remittance Worksheets. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Jeff Pursley discussed Dark Fiber Solutions and the moving of Telehealth lines from College Park to St. Francis Medical Center in Grand Island: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to approve the expense incurred by moving the Telehealth lines from College Park to St. Francis Medical Center in Grand Island. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

DR-0002/ In the Matter of the Nebraska Public Advocate seeking a
NG-0047 determination that Kinder Morgan, Inc., n/k/a SourceGas
Distribution LLC, improperly implemented interim and final
rates in Docket NG-0036 for which customers are entitled to a credit
or refund: Motion made by Commissioner Jerry Vap, seconded by Commis-
sioner Frank Landis, to enter an order suspending the assessment.
Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank
Landis, Tim Schram and Jerry Vap voting AYE.

NG-0041 In the Matter of Aquila, Inc., d/b/a Aquila Networks
(Aquila), Omaha, seeking individual general rate increases
for Aquila's Rate Area One, Rate Area Two, and Rate Area Three: Motion
made by Commissioner Frank Landis, seconded by Commissioner Tim
Schram, to enter an order amending assessment order GDS-005. Motion
passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim
Schram and Jerry Vap voting AYE.

FC-1327 In the Matter of the Nebraska Public Advocate seeking a
determination that Kinder Morgan, Inc. and/or its successor
in interest, SourceGas Distribution, LLC improperly implemented,
billed and received payment for interim and final rates in NG-0036 for
which customers are entitled to a credit or refund from Kinder Morgan,
Inc. and/or SourceGas Distribution, LLC. Commissioner Vap presiding
as Hearing Officer: Motion made by Commissioner Frank Landis, seconded
by Commissioner Tim Schram, to enter a Notice of Assessment. Motion
passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim
Schram and Jerry Vap voting AYE.

NG-0041 In the Matter of Aquila, Inc., d/b/a Aquila Networks
(Aquila), Omaha, seeking individual general rate increases
for Aquila's Rate Area One, Rate Area Two, and Rate Area Three:
Angela Melton notified the Commission of Aquila's appeal of the
Commission's order.

Angela Melton discussed the Aquila tariff revision filed
August 20, 2007, to rename the "Streamline" billing program to "Budget
Billing Plan" and to change budget billing calculation effective
April 1, 2008.

RULES AND REGULATIONS

Rule and In the Matter of the Commission, on its own motion, seeking
Regulation to amend Title 291, Chapter 7, Transmission Lines Rules and
#170 Regulations, to adopt rules regarding wires crossing any
railroad track at public highway crossings in the State of
Nebraska in accordance with Neb. Rev. Stat. 75-702 to 75-724: Motion
made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle,
to enter an order opening the docket and seeking comment. Motion
passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim
Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT

M-14190 In the Matter of Senior Moving Services, LLC, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of household goods between points in Nebraska: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order granting the application as modified. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-F: The fuel surcharge was retained at 76 cents per mile.

GENERAL ADMINISTRATION

Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to approve the Deputy Director's recommendation for approval of the following Commission invoices. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis voting NAY.

Cornhusker State Industries	\$	918.96
DAS-Central Finance - Communications		3,237.69
DAS-Central Finance - Office Supplies		503.55
Larry Fauss		1,020.00
Rod Johnson		292.72
Gerald Vap		1,025.82

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to approve the Deputy Director's recommendation for Commission meeting dates for the fourth quarter of 2007 as follows. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

October: 2, 10 (Wednesday), 16, 24 (Wednesday), 30
November: 6, 20, 27
December: 4, 11, 18

There will be no meetings the week of November 12 and December 25, 2007.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to change the time of the Commission meeting on September 25, 2007 to 10:00 a.m. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GENERAL ADMINISTRATION (Cont.)

Upon agreement of all Commissioners, the Deputy Director's recommendation to surplus Vehicle #12574, a 2003 Dodge Caravan (Gordon Mohr) was approved.

John Burvainis discussed the bi-weekly payroll issue.

The meeting adjourned at 10:40 a.m. with Commissioners Boyle, Johnson, Landis, Schram and Vap present. The next regularly scheduled meeting will be held on Wednesday, September 5, 2007, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on Tuesday, September 4, 2007.

Chairman

Deputy Director